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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,717	04/12/2006	Wolfgang Pfeiffer	10191/4577	3532

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

WILLIAMS, MAURICE L

ART UNIT	PAPER NUMBER
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3611

MAIL DATE	DELIVERY MODE
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09/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/575,717

Applicant(s)

PFEIFFER ET AL.

Examiner

MAURICE WILLIAMS

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 13-24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 12 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of species II (Figs. 2, 3, 5a-d and 6a-d) in the reply filed on 5/12/2008 is acknowledged. The traversal on the grounds that claim 17 is generic is persuasive. Therefore, claims 13-24 have been examined in this action.

Information Disclosure Statement

2. The information disclosure statement filed 4/12/2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13-17, 19-21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohner et al. (US 6,138,788) in view of Laurent et al. (US 2003/0098197). Bohner discloses:

An electromechanical coupling (**13**) which is actuated to be closed when no electrical energy is provided (col. 5, ln. 30-35) and open when energy is provided; two mechanical devices connected to the coupling, the first being a steering wheel (**9**) and the second a

steered wheel (1). Bohner does not directly disclose the use of at least two windings which control the coupling and are connected to electrical control units having power supplies. Laurent discloses at least two windings (contained in mechanical controllers **61-63**) with control units each using a trigger element (signals from sensors **21-23**) and having different power supplies (**91**) and data lines (**661-663**).

Therefore it would have been obvious to person having ordinary skill in the art at the time of the invention to modify Bohner as taught by Laurent in order to provide a redundant check on the electrical system to ensure that it has failed before switching to the mechanical connection.

5. Claims 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohner in view of Laurent as applied to claims 13 and 20 above, and further in view of Bohner et al. (Bohner II) (US 6,220,385). Bohner and Laurent disclose as discussed above, but do not directly disclose sensors to detect the functioning of the coupling unit. Bohner II discloses a sensor (**15**) which indicates the status of the coupler (**6**). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Bohner as taught by Laurent and Bohner II in order to provide a system which would monitor whether the system is operating in mechanical mode.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kodama (323), Yoshida (456), Shimizu (348), Fujimoto (450),

Matsushita (317), Husain (555), Yamamoto (556), Klosterhaus (142), Bohner (393, 677, and 724), Nishizaki (462) and Kanda (764).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAURICE WILLIAMS whose telephone number is (571)272-4263. The examiner can normally be reached on Monday - Friday, 8 a.m. - 5 p.m. .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Maurice Williams/
Examiner, Art Unit 3611
Maurice Williams
Examiner
Art Unit 3611

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Art Unit: 3611

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/Joanne Silbermann/
Primary Examiner, Art Unit 3611